

Application No.: 10/777,563
Response dated: April 3, 2006
Reply to Office Action: February 2, 2006

REMARKS

Reconsideration of the present claims, in light of the attached claim clarifications and the Remarks, which follow, is respectfully requested.

Claims now before the Examiner are 1-8 and 10-31. Claims 1-8 and 10-14 are based on claims 1-14 of the issued patent. Claims 15-31 are new.

The numbering in this Response will follow that of the Examiner's Action.

Non-Compliance

1. Concurrently with this Paper, Applicants are resubmitting a declaration by the Assignee, with a more specific discussion of the error which leads to the filing of this Reissue Application.
2. The Examiner objects to claims 15-31. In an Interview with the Examiner 3.27.06, the Examiner suggested resubmitting these claims, as they had not been previously entered. Accordingly, as suggested by the Examiner, they are designated "New", as requested.
3. & 4. The Examiner states that Applicants must indicate how claims 15-31 differ from claims (patented) 1-14.

New claim 15 further defines the physical state of the catalyst of claims 1, 4, 6 or 14.

New claim 16 and by incorporation, claims 1, 4, 6 and 14, further defines the metal of M, the oxidation state of M (n), and X the leaving group.

New claim 17 is an independent claim which more specifically defines R⁴ and R⁵, than claim 1.

New claim 18 further defines R⁸ – R¹² and X of claim 17, similarly to claim 5.

New claim 19 further defines R⁸ – R¹² and X of claim 17, similarly to claim 6.

1999U029.Reissue.US..1.116.4.3.06.doc

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New claim 20 further defines X, n and M of claim 19, and by incorporation, claim 17.

New claim 21 further defines L, Y and Z, R¹, R², R³, R⁶ and R⁷ of claim 20 and by incorporation claim 17, similarly to claim 7.

New claim 22 further defines the process of claim 21 and by incorporation, claims 17 and 21, similarly to claim 10.

New claim 23 further defines the process of claim 21 and by incorporation claims 17 and 19-20, similarly to claim 11.

New claim 24 further defines the olefin(s) of claims 22 or 23, and by incorporation, claims 17, 19 and 21, similarly to claim 12.

New claim 25 further defines the olefin(s) and activators of claims 22 or 23, and by incorporation claims 17, 19 and 21.

New claim 26 further defines the process of claim 25 and by incorporation, claims 17, 19 and 21-23, by defining a support and the physical characteristics of the catalyst.

New claim 27 is an independent claim more specifically defining the metal of the Group 15 catalyst compound and more specifically defining R⁴ and R⁵.

New claim 28 further defines claim 27 by adding an activator.

New claim 29 further defines the activator of claim 28.

New claim 30 further defines the process of claim 20, and by incorporation claims 27-28, by adding a support and defining the physical characteristics of the catalyst, activator and support.

New claim 31 is an independent claim more specifically defining the Group 15 containing catalyst compound by more specifically defining M, X, n, m L, L', Y, Z, R¹ to R³, R⁴ and R⁵, and R⁶ and R⁷, and further defining the physical characteristics of the catalyst, activator and support.

All of the Examiner's Objections directed to non-compliance issues have been addressed. Withdrawal of the Objections is respectfully requested.

6. The verbiage of this paragraph states that the Examiner may make a restriction, but does not appear to Applicants that a restriction is actually made. Clarification is respectfully requested. The Examiner further states that the invention of claims 1-8 and 1999U029.Reissue.US.1.116.4.3.06.doc

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10-31 are considered patentably distinct from the patented claims 1-14, and that the "invention of instant claims 1-8 and 10-31 is drawn to preparation of emulsion or a suspension..." Applicants do not understand any part of this paragraph. first, the statement of the claims over-laps, that is originally patented claims 1-14 are included in those "patentably distinct" from "the patented claims 1-14", and second there is no "emulsion" used in any of the claims and "suspension" is used only in reference to how the catalysts might be added to a polymerization reactor. Applicants believe that all the new claims are to either the same or similar subject matter as the now amended originally issued patent claims. And Applicants further believe that none of the new claims is broader than the amended original 14 claims. Clarification and removal of this requirement is respectfully requested.

7. No Response necessary.

The claims are in condition for allowance.

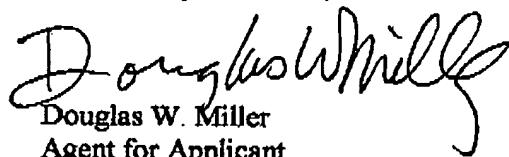
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Respectfully submitted,


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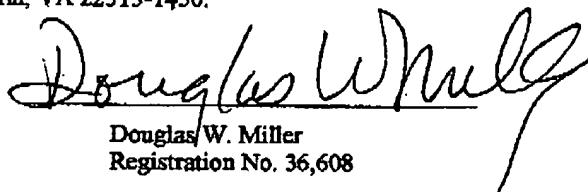
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I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

April 3, 2006

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